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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

**In re:**

**USA Commercial Mortgage Company**  
**06-10725 – Lead Case**

**USA Capital Realty Advisors, LLC**  
**06-10726**

**USA Capital Diversified Trust Deed Fund,**  
**LLC**  
**06-10728**

**USA Capital First Trust Deed Fund, LLC**  
**06-10728**

**USA Securities, LLC**  
**06-10729**

**Debtors.**

Jointly Administered

Chapter 11 Cases

Judge Linda B. Riegler Presiding

**MOTION FOR ORDER REQUIRING  
EXAMINATION AND  
PRODUCTION OF DOCUMENTS  
PURSUANT TO BANKRUPTCY  
RULE 2004**

Date: NA  
Time: NA

**Affecting:**

☐ All Cases

**or Only:**

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund,  
LLC

☐ USA Capital First Trust Deed Fund, LLC

The Official Committee of Unsecured Creditors of USA Commercial Mortgage Company's ("UCC") moves this Court for an Order pursuant to Bankruptcy Rule 2004(a) directing USA Commercial Real Estate Group ("USACREG") to designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, at an oral deposition pursuant to Bankruptcy Rules 2004, 7030 and 7034, and



Rules 30(b)(6) and 34 of the Federal Rules of Civil Procedure at a date and time reasonably convenient to the parties. The UCC further requests that USACREG produce the documents described in **Exhibit A** attached for inspection and copying not less than two business days before the deposition. This Motion is explained in the following Memorandum.

### Memorandum

The UCC is seeking information concerning USACREG's claims against this estate and its interests in any loans originated or serviced by USA Commercial Mortgage Company ("USACM"). In that regard, USACREG has filed a Motion to Enforce Order granting Debtors' Motion to Distribute Funds, seeking distribution of some \$17,578.84 to USACREG as a purported direct lender.

The interests of USACREG are not obvious from the schedules filed in this case, nor is the relationship, or lack thereof, between the former principals of USACM and USACREG. Accordingly, the UCC requests discovery.

The requested discovery from USACREG is well within the scope of examination permitted pursuant to Bankruptcy Rule 2004, which includes

The acts, conduct, or property or ... the liabilities and financial condition of the debtor, or ... any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a ... reorganization case under chapter 11 of the Code, ... the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.<sup>1</sup>

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<sup>1</sup> Bankruptcy Rule 2004(b).

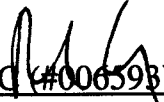
**LEWIS**  
AND  
**ROCA**  
LLP  
LAWYERS

**Conclusion**

Accordingly, the UCC requests that this Court enter the form of Order submitted with this motion.

Dated October 3, 2006.

**LEWIS AND ROCA LLP**

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